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ART UNIT	PAPER NUMBER
3713	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/661,209	MAYA ET AL.
	Examiner	Art Unit	
	Matthew D. Hoel	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 March 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-47* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed Mar. 2nd, 2006, have been fully considered but they are not persuasive. Regarding the fees for the claims, there are forty-seven claims for a total of twenty-seven extra claims. The $18 fee for each of these claims has been paid for (fee worksheet 09/16/2003, $486). There are six independent claims for a total of three extra independent claims. The $84 fees for two of these have been paid for (fee worksheet 09/16/2003, $162), leaving one independent claim unpaid for. The specification as currently amended correctly cites the present application as a continuation-in-part of 10/447,779. The terminal disclaimer against U.S. patent 6,582,306 B2 is noted. The examiner respectfully disagrees with the applicants as to the application's condition for allowability.

2.   The applicants state that they do not believe that '298 teaches a second event. Exactly what sort of event a second event is has not been claimed. The player is paid the value of the stock times the number of shares when either the time period ends or the player hits the "Sell" button (Para. 54). The first event is when the stock is picked by the player (Para. 56). This is when the stock starts fluctuating in value until the "Sell" button is hit by the player or the time period ends. The claims were interpreted as broadly as reasonable without reading the limitations of the specification into the claims. Regarding Claims 1, 11, 21, and 40, '298 teaches at least one value indicator associated with each one of the

symbols (present value associated with each stock, Figs. 6 and 7). The

applicants state that the award of '298 is not affected by an award modifier

associated with a reselected symbol. The symbol of '298 is affected by an award

modifier (value of stock multiplied, multiplier, by number of shares, Para. 54).

The reselected symbol was found in the '619 reference in the 103 combination;

the examiner notes that the applicants have not argued the motivation to

combine these reference, which combination the examiner believes was proper.

'619 has a second opportunity to reselect a designated quantity of symbols in the

group (designated number of Leave It symbols allowing player to pick another

symbol in the bonus game, Para. 51). The 103 combination of '298 and '619,

thus teaches retrieving a mathematical modifier associated with a reselected

symbol and determining an award based in part on such a mathematical

modifier. '298 teaches determining an award by performing a mathematical

calculation including indicated final values and a mathematical modifier, and

providing the award to the player (Para. 54). The examiner notes motivation to

combine '619 with '298. The base game of '619 can be a video slots game

(Para. 53), like '298. '619 is also meant to be used with a game that requires a

decision due to a plurality of multiple possible outcomes, especially when the

player is provided with a status area showing possible outcomes or choices

(Para. 53). This is clearly the case with '298. The value of the stock in '298

fluctuates up and down until the player either sells the stock or the time period

ends, with the current value being displayed to the player. In either case the

value of the stock is multiplied by the number of shares and the total is awarded

to the player.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

4.   A person shall be entitled to a patent unless –

5.   (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6.   Claims 1 to 5 and 7 to 9 are rejected under 35 U.S.C. 102(b) as being

anticipated by Bennett (U.S. patent application publication 2001/0049298 A1,

application 09/829,126), as evidenced by Weiss, et al. (U.S. pre-grant publication

2002/0193158 A1, application 09/921,076).

7.   As to Claim 1: Bennett in '298 teaches a gaming device operable upon a

wager (Para. 29). '298 teaches a plurality of symbols (multiple shares to choose

from, Fig. 6). '298 has at least one value associated with each symbol (stock

price, Fig. 7). The shares have an initial value (stock price, Fig. 6), an

intermediate value (fluctuating share prices, Para. 53), and a final value (price

awarded when share is sold, Para. 54). A first event is associated with each

symbol (player picks which stock to purchase, Para. 56). '298 has a modifier in

the form of a multiplier; the current share price is multiplied by the number of

shares at the end of the bonus game (Para. 54). The modifier has a second

event associated with it (time period ends or player hits "Sell" button, Para. 54).

The award for the stock market bonus game of '298 is based on the final value

(final share price) and the multiplier (number of shares, Para. 54). '298 has a

video display unit (14, Fig. 1). The display unit displays the symbols (stocks, Fig.

6), displays the values after the first event (fluctuating values of stocks, Para. 53),

and displays the award after the second event (Para. 61). '298 teaches all the

claimed structural limitations of the valve set forth in Claim 1, as already

discussed. However, '298 does not specify an award based on a plurality of the

final values and the award indicator. '298 states that the representation may be

in the form of a win meter in the standard form of serially incrementing digits

(Para. 5). It is inherent that each stock symbol in '298 would have a plurality of

final values associated with each stock symbol (multiple decimal places with digit

values), as evidenced by '158 (odometer-style award indicator on slot machine,

90, Fig. 6). Thus, the symbols of '298 each have a plurality of final values, so the

final award would be the value of the stock multiplied by the plural final values

(decimal places) of the stock's final price.

8.   As to Claim 2: Each of the value indicators of '298 includes a graphical

representation (current value of stock price, Fig. 7).

9.   As to Claim 3: The graphical representations in '298, Figs. 3a-d and 4 a-b,

include integer representations of a starting value, intermediate values, and a

final value.

10.   As to Claim 4: The first event of '298 is a symbol selection event (picking

stocks, Para. 53, Fig. 6).

11.   As to Claim 5: The second event of '298 is a symbols selection event

(player hits "Sell" button, Para. 54; buttons located on touch screen 38, Fig. 2,

Para. 40).

12.   As to Claim 7: '298 has a graphical representation of a meter in the form

of a thermometer.

13.   As to Claim 8: The stock prices of '298 fluctuate, so the stock's value

when the player hits "Sell" or when the time runs out can be less than its initial

value (Para. 53). The final value, or final stock price, of '298 is inherently always

greater than zero, as stocks cannot have a negative value.

14.   As to Claim 9: The intermediate values of the stock prices of '298 can be

less than or greater than the initial values (Para. 53).

Claim Rejections - 35 USC § 103

        The text of those sections of Title 35, U.S. Code not included in this action

can be found in a prior Office action.

15.   Claims 6, 10 to 29, and 40 to 47 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Bennett ('298) in view of Nicastro (U.S. patent

application publication 2003/0027619 A1, application 10/202,924).

16.   As to Claim 6: Bennett in '298 discloses all of the elements of Claim 6, but

lacks specificity as to displaying a sum of a plurality of the final values at one

time, and displaying the award at a later time. Nicastro, however, in '619 teaches

displaying a plurality of the final values at one time (total of values of symbols

drawn in bonus game 510, Fig. 11, Para. 67). '619 also teaches displaying the

award at a later time (special screen with total won in bonus round, Fig. 14). It would be obvious to one of ordinary skill in the art to apply the game of '619 to '298. The basic game of '298 can be a slot machine (Para. 37). The base game of '298 is a slot machine (16, Fig. 1, Para. 32). Both games have bonus games that start upon a combination of trigger symbols ('298, Para. 32; '619, Para. 39). '298 has broker's tips giving clues as to whether or not to buy a particular stock (Para. 56). '619 teaches giving a player information about whether or not to select a symbol (Abstract; Take It or Leave It, Para. 56 to 58). '298 has multiple bonus games (thermometer, Fig. 3; skydiver, Fig. 5; stock market Fig. 6). '619 teaches multiple bonus games as well (Para. 53). The advantage of this combination would be to stimulate players' interest in the game by providing more bonus games to choose from.

17.   As to Claim 10: Software implementations of '619 can be used to implement gaming over networks such as the Internet (Para. 36).

18.   As to Claim 11: Bennett in '298 teaches a gaming device operable upon a wager (Para. 29). '298 teaches a plurality of symbols (multiple shares to choose from, Fig. 6). '298 has at least one value associated with each symbol (stock price, Fig. 7). The shares have an initial value (stock price, Fig. 6), an intermediate value (fluctuating share prices, Para. 53), and a final value (price awarded when share is sold, Para. 54). '619 has a first event associated with a symbol (player selects tile to reveal the hidden tile value or stopper value, Para. 57). '619 also has a second event associated with the player selecting a second symbol (at least two picks are available based on two picks per payline, Para. 56;

player picks symbols until Take-Its are gone, Para. 56). '619 has a modifier in

the form of a multiplier (multiplier by which points won in the bonus game are

multiplied, Para. 60). A third event in '619 is associated with the multiplier

(stopper value "ZONK" ends bonus game, Para. 56), after which the bonus

award is given based on the multiplier (Para. 60). '619 has an award based on

the final values and the multiplier (points won in bonus game multiplied by

multiplier, Para. 60). '619 has a video display unit (16, Fig. 1). The display unit

of '619 displays the value indicators associated with the symbols after the first

and second events (values shown after symbols picked, Fig. 6). '619 displays

the award after the third event occurs (total window 116, Fig. 5). However, '298

does not specify an award based on a plurality of the final values and the award

indicator. '298 states that the representation may be in the form of a win meter in

the standard form of serially incrementing digits (Para. 5). It is inherent that each

stock symbol in '298 would have a plurality of final values associated with each

stock symbol (multiple decimal places with digit values), as evidenced by '158

(odometer-style award indicator on slot machine, 90, Fig. 6). Thus, the symbols

of '298 each have a plurality of final values, so the final award would be the value

of the stock multiplied by the plural final values (decimal places) of the stock's

final price.

19.   As to Claim 12: Each of the value indicators of '298 includes a graphical

representation (current value of stock price, Fig. 7).

20.   As to Claim 13: The graphical representations in '298, Figs. 3a-d and 4 a-b, include integer representations of a starting value, intermediate values, and a final value.

21.   As to Claim 14: '619 has a first event associated with player selecting a symbol (player selects tile to reveal the hidden tile value or stopper value, Para. 57). '619 also has a second event associated with the player selecting a second symbol (at least two picks are available based on two picks per payline, Para. 56; player picks symbols until Take-Its are gone, Para. 56).

22.   As to Claim 15: The third event in '619 is associated the player selecting a symbol (symbol picked revealing stopper value "ZONK" ends bonus game, Para. 56), after which the bonus award is given based on the multiplier (Para. 60).

23.   As to Claim 16: '619 teaches displaying a plurality of the final values at one time (total of values of symbols drawn in bonus game 510, Fig. 11, Para. 67). '619 also teaches displaying the award at a later time (special screen with total won in bonus round, Fig. 14).

24.   As to Claim 17: '298 has a graphical representation of a meter in the form of a thermometer.

25.   As to Claim 18: The stock prices of '298 fluctuate, so the stock's value when the player hits "Sell" or when the time runs out can be less than its initial value (Para. 53). The final value, or final stock price, of '298 is inherently always greater than zero, as stocks cannot have a negative value.

26.   As to Claim 19: The intermediate values of the stock prices of '298 can be less than or greater than the initial values (Para. 53).

27.   As to Claim 20: Software implementations of '619 can be used to

implement gaming over networks such as the Internet (Para. 36).

28.   As to Claim 21: Bennett in '298 teaches a gaming device operable upon a

wager (Para. 29). '298 teaches a plurality of symbols (multiple shares to choose

from, Fig. 6). '298 has at least one value associated with each symbol (stock

price, Fig. 7). '619 has a first selection opportunity enabling a player to select a

designated quantity of symbols (player has designated number of Take It

symbols in a bonus game, Para. 51). The shares of '298 have an initial value

(stock price, Fig. 6), an intermediate value (fluctuating share prices, Para. 53),

and a final value (price awarded when share is sold, Para. 54). A first event is

associated with each symbol (player picks which stock to purchase, Para. 56).

The shares (symbols in the bonus game of '298) each have their own modifier in

the form of a multiplier (number of shares times final value of shares equals

bonus award for that stock, Para. 61). '619 has a second opportunity to reselect

a designated quantity of symbols in the group (designated number of Leave It

symbols allowing player to pick another symbol in the bonus game, Para. 51).

'619 has a multiplier multiplied by the number of points won in the bonus game,

including the points won by reselecting new symbols after using Leave Its to

discard unwanted symbols (Para. 60). '619 has a video display unit (16, Fig. 1).

The display unit of '619 displays the value indicators associated with the symbols

after the first and second events (values shown after symbols picked, Fig. 6).

'619 displays the award after the third event occurs (total window 116, Fig. 5).

However, '298 does not specify an award based on a plurality of the final values

and the award indicator. '298 states that the representation may be in the form

of a win meter in the standard form of serially incrementing digits (Para. 5). It is

inherent that each stock symbol in '298 would have a plurality of final values

associated with each stock symbol (multiple decimal places with digit values), as

evidenced by '158 (odometer-style award indicator on slot machine, 90, Fig. 6).

Thus, the symbols of '298 each have a plurality of final values, so the final award

would be the value of the stock multiplied by the plural final values (decimal

places) of the stock's final price.

29.   As to Claim 22: Each of the value indicators of '298 includes a graphical

representation (current value of stock price, Fig. 7).

30.   As to Claim 23: '298 has a graphical representation of a meter in the form

of a thermometer.

31.   As to Claim 24: The stock prices of '298 fluctuate, so the stock's value

when the player hits "Sell" or when the time runs out can be less than its initial

value (Para. 53). The final value, or final stock price, of '298 is inherently always

greater than zero, as stocks cannot have a negative value.

32.   As to Claim 25: The intermediate values of the stock prices of '298 can be

less than or greater than the initial values (Para. 53).

33.   As to Claim 26: The multiplier of '619 increases the number of points won

in the bonus game (Para. 60).

34.   As to Claim 27: The numerical increases of '298 Figs. 3a-d and 4a-b are

integer-by-integer increases.

35.   As to Claim 28: '619 has indicators 124 (values of tiles) and 126 (stopper

indicators) on the sides of the screen in Fig. 5, indicating the values of all the tiles

on the screen, including those not selected by the player (Para. 50).

36.   As to Claim 29: Software implementations of '619 can be used to

implement gaming over networks such as the Internet (Para. 36).

37.   As to Claim 40: Bennett in '298 teaches a gaming device operable upon a

wager (Para. 29). '298 teaches a plurality of symbols (multiple shares to choose

from, Fig. 6). '298 has at least one value associated with each symbol (stock

price, Fig. 7). The shares have an initial value (stock price, Fig. 6), an

intermediate value (fluctuating share prices, Para. 53), and a final value (price

awarded when share is sold, Para. 54). A plurality of symbols has events

associated with them, namely, being picked by a player ('619, bonus game

continues until Take Its are gone or a stopper, or terminator, value is drawn,

Para. 57). '619 has player input devices (17, Fig. 1). '619 can take accept or

decline inputs from players (Take Its or Leave Its, Para. 56 to 58). '619 gives an

award based on the final values times a multiplier (Para. 60). '619 displays the

symbols and their associated values after they are picked by the player (Fig. 6).

If the player provides a decline (Leave It) input, '619 displays the value

associated with the next Take It input (Para. 57). However, '298 does not specify

an award based on a plurality of the final values and the award indicator. '298

states that the representation may be in the form of a win meter in the standard

form of serially incrementing digits (Para. 5). It is inherent that each stock

symbol in '298 would have a plurality of final values associated with each stock

symbol (multiple decimal places with digit values), as evidenced by '158

(odometer-style award indicator on slot machine, 90, Fig. 6). Thus, the symbols

of '298 each have a plurality of final values, so the final award would be the value

of the stock multiplied by the plural final values (decimal places) of the stock's

final price.

38.   As to Claim 41: Each of the value indicators of '298 includes a graphical

representation (current value of stock price, Fig. 7).

39.   As to Claim 42: The graphical representations in '298, Figs. 3a-d and 4 a-

b, include integer representations of a starting value, intermediate values, and a

final value.

40.   As to Claim 43: The first event of '298 is a symbol selection event (picking

stocks, Para. 53, Fig. 6).

41.   As to Claim 44: '298 has a graphical representation of a meter in the form

of a thermometer.

42.   As to Claim 45: The stock prices of '298 fluctuate, so the stock's value

when the player hits "Sell" or when the time runs out can be less than its initial

value (Para. 53). The final value, or final stock price, of '298 is inherently always

greater than zero, as stocks cannot have a negative value.

43.   As to Claim 46: The intermediate values of the stock prices of '298 can be

less than or greater than the initial values (Para. 53).

44.   As to Claim 47: Software implementations of '619 can be used to

implement gaming over networks such as the Internet (Para. 36).

45.   Claims 30 to 39 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Bennett ('298) and Nicastro ('619) in view of Sakamoto (U.S.

patent 6,471,588 B2).

46.   As to Claim 30: The combination of Bennet ('298) and Nicastro ('619)

discloses all of the elements of Claim 30, but lacks specificity as to allowing a

first period of time to elapse before showing an intermediate value for a selected

symbol and allowing a second period of time to elapse before showing a final

value for a selected symbol. '298 teaches a plurality of symbols (multiple shares

to choose from, Fig. 6). '298 has a value associated with each symbol (stock

price, Fig. 7). '619 has a first selection opportunity enabling a player to select a

designated quantity of symbols (player has designated number of Take It

symbols in a bonus game, Para. 51). The shares of '298 have an initial value

(stock price, Fig. 6), an intermediate value (fluctuating share prices, Para. 53),

and a final value (price awarded when share is sold, Para. 54). The shares

(symbols in the bonus game of '298) each have their own modifier in the form of

a multiplier (number of shares times final value of shares equals bonus award for

that stock, Para. 61). '619 has an opportunity to reselect a designated quantity of

symbols in the group (designated number of Leave It symbols allowing player to

pick another symbol in the bonus game, Para. 51). '619 has a multiplier

multiplied by the number of points won in the bonus game, including the points

won by reselecting new symbols after using Leave Its to discard unwanted

symbols (Para. 60); the award is then awarded to the player. The slot machine

of '619 has multiple symbols (Para. 39), multiple paylines (Para. 46), and a

paytable defining the different amounts won for each payline (button 62, Para.

45). Some of the winning paylines of '619 (top, center, and bottom, Fig. 3) have

the same symbol all the way across, so each symbol has an intrinsic numerical

value in itself, and not just when taken in combination with different symbols to

form a winning payline. Sakamoto, however, in '588 teaches allowing a first

period of time to elapse before showing an intermediate value for a selected

symbol and allowing a second period of time to elapse before showing a final

value for a selected symbol. '588 teaches a slot machine with three reels (Fig.

1). A plurality of stop commands is received, one for each reel (equivalent to

receiving a select command for a symbol; Col. 4, Lines 10 to 11). The reel is

shifted in a first scroll direction during a first time period (Col. 10, Lines 21 to 23,

Figs. 14 and 15) and in a second (opposite) scroll direction during a second time

period (Col. 10, Lines 24 to 26, Fig. 16). The reel then comes to a stop (Fig. 17).

Since the reel has to change from the first scroll direction to a second scroll

direction, it will have to decelerate in the first direction, leaving it stopped for an

instant, before accelerating in the second opposite direction. The value showed

on the reel when it is instantaneously stopped while changing directions is an

intermediate value. The value showed on the reel when it decelerates and stops

in the second direction is a final value. It would be obvious to one of ordinary

skill in the art to apply the elapsed time periods of '588 to the combination of '298

and '619. The base game of '588 is a slot machine (Fig. 1), like the base games

of '298 and '619. The method of '588 is capable of being implemented on video

displays like those of '298 and '619 (Col. 8, Line 65 to Col. 9, Line 8), and not just

on mechanical reels. The stock values of '298 have fluctuating values (Para. 53),

which are ideal for being represented by the odometer-like reels of '588 that

change direction, showing an intermediate value, before stopping at a final value.

The advantage of this combination would be to build suspense on the part of the

player by not immediately showing what the final value of the selected symbol is.

47.   As to Claim 31: The numerical increases of '298 Figs. 3a-d and 4a-b are

integer-by-integer increases.

48.   As to Claim 32: The shares of '298 have an initial value (stock price, Fig.

6), an intermediate value (fluctuating share prices, Para. 53), and a final value

(price awarded when share is sold, Para. 54).

49.   As to Claim 34: In '619 the step of determining an award can include

determining an amount greater than the sum of the indicated final value. In Para.

60, the sum of the points won in the bonus game is multiplied by a multiplier.

50.   As to Claim 33: It is inherent that the combination of '298, '619, and '588

would be able to repeat the steps (c) through (g) for a first selected symbol and a

second selected symbol. '588 teaches receiving a plurality of stop instructions

(Col. 4, Lines 10 to 11). '619 teaches selecting symbols one at a time until they

are gone (Para. 57).

51.   As to Claim 34: In '619 the step of determining an award can include

determining an amount greater than the sum of the indicated final value. In Para.

60, the sum of the points won in the bonus game is multiplied by a multiplier.

52.   As to Claim 35: '298 teaches a plurality of symbols (multiple shares to

choose from, Fig. 6). '619 teaches enabling a player to select a first symbol

(Para. 57). '298 indicates an initial value associated with a first symbol (initial stock price, Fig. 6). '588 teaches allowing a first period of time to elapse (reel moving one direction to stop and indicate an intermediate value; Col. 10, Lines 21 to 23). '588 indicates an intermediate value associated with a first symbol (Fig. 16). '588 allows a second period of time to elapse (Col. 10, Lines 24 to 26). '588 shows a final value associated with a first symbol (Fig. 17). '619 can have at least two picks available (Para. 56) and continues until all the picks are gone (Para. 57), so it can allow a player to select a second symbol. '588 teaches allowing a third period of time associated with a second symbol to elapse (reel moving one direction to stop and indicate an intermediate value; Col. 10, Lines 21 to 23). '588 indicates an intermediate value associated with a second symbol (Fig. 16). '588 allows a fourth period of time associated with a second symbol to elapse (Col. 10, Lines 24 to 26). '588 shows a final value associated with a second symbol (Fig. 17). '619 has an opportunity to reselect a designated quantity of symbols in the group (designated number of Leave It symbols allowing player to pick another symbol in the bonus game, Para. 51). The shares (symbols in the bonus game of '298) each have their own modifier in the form of a multiplier (number of shares times final value of shares equals bonus award for that stock, Para. 61). '619 has a multiplier multiplied by the number of points won in the bonus game, including the points won by reselecting new symbols after using Leave Its to discard unwanted symbols (Para. 60); the award is then awarded to the player.

53.   As to Claims 36 and 37: The numerical increases of '298 Figs. 3a-d and

4a-b are integer-by-integer increases.

54.   As to Claim 38: The shares of '298 have an initial value (stock price, Fig.

6), an intermediate value (fluctuating share prices, Para. 53), and a final value

(price awarded when share is sold, Para. 54).

55.   As to Claim 39: In '619 the step of determining an award can include

determining an amount greater than the sum of the indicated final value. In Para.

60, the sum of the points won in the bonus game is multiplied by a multiplier.

Conclusion

56.   Applicant's amendment necessitated the new ground(s) of rejection

presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.**

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as

set forth in 37 CFR 1.136(a).

57.   A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

58.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Matthew D. Hoel whose telephone number is

(571) 272-5961. The examiner can normally be reached on Mon. to Fri., 8:00

A.M. to 4:30 P.M.

59.   If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Xuan M. Thai can be reached on (571) 272-7147. The

fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

60.   Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

Matthew D. Hoel, Patent Examiner
AU 3713

XUAN M. THAI
SUPERVISORY PATENT EXAMINER
TC 3700